

## INSTITUTIONS ENDOWED BY GOVERNMENT—SELECT SCHOOLS. 173

and stationery, as provided in the last preceding section, and the amount expended for each, together with the name of the parent or guardian who should have supplied the same; and the collector shall add such amount to the school-tax of such parent or guardian for the next year, and collect the same, unless such superintendent shall be of opinion that said parent or guardian is unable to pay the amount thus expended for books and stationery so supplied; in which case, he may remit the whole or a part thereof, as may be just.

## ARTICLE XXVIII.—OF INSTITUTIONS ENDOWED BY GOVERNMENT, AND SELECT SCHOOLS.

SECTION 735. Every literary institution, seminary of learning, or select school, supported by government, shall be under the superintendence, control, and direction of the Board of Education: provided, always, that where such institution, seminary, or select school, is endowed or supported in part only by the Government, the Board of Education shall not, unless expressly authorized by law, have the absolute control and direction of the same, but only a general oversight, with the right to visit and to inquire into its general condition and operations, and to see that the objects of the public endowment or support are faithfully executed.

SECTION 736. Whenever the Board of Education shall be satisfied that the charter of any literary institution has been violated, it shall be the duty of the President of said Board to report such violation to the District Attorney of the island where such institution is located, and said District Attorney shall take immediate steps to have such charter annulled.

SECTION 737. Nothing in this chapter contained shall be construed to forbid the free establishment of select and independent schools, to be supported without assistance from the government, provided they be not



of an immoral tendency. The teachers of such schools shall, annually, report to the Board of Education the number of their scholars, by what means supported, and the general character and condition of their respective schools.

#### OF THE LAHAINALUNA SEMINARY.

SECTION 738. Whereas, an arrangement has been made between the Hawaiian Government and the American Board of Commissioners for Foreign Missions, whereby the seminary of Lahainaluna has been ceded to the King's Government, on condition that the Government undertakes its support; and whereas, it is desirable to have some institution, where Hawaiian youth can be properly educated for various occupations, therefore, the arrangement, whereby the seminary of Lahainaluna has been surrendered to the King's Government, is hereby ratified and confirmed, and a reasonable sum shall be appropriated annually out of the public funds, for the support of said seminary, in pursuance of said arrangement.

SECTION 739. Said seminary shall be under the care and direction of the Board of Education, who shall appoint its teachers, and make rules and regulations, from time to time, for its government, and course of instruction; provided, that such rules and regulations do not conflict with the conditions on which that institution was ceded to the Government, nor with any law of this kingdom. Said Board shall have the care and management of the buildings, premises, apparatus, and all other property belonging to said institution.

SECTION 740. It shall be the duty of the President of the Board of Education, to include in his report to the Legislature, at each regular session thereof, a statement of the operations and condition of said seminary.



## OF ENGLISH SCHOOLS FOR HAWAIIAN YOUTH

SECTION 741. It shall be the duty of the President of the Board of Education to use his best endeavors, to impress upon the minds of native parents and guardians, the importance of a knowledge of the English language to their children, and to induce them to provide for them, as soon as possible, the means of acquiring it, by contributing according to their ability, the means of supporting English schools, of good character, among them.

SECTION 742. It shall be lawful for the Board of Education to contribute, out of such appropriation as the Legislature shall make for this object, one-half of the support of at least one English school of good character, for Hawaiian youth, on the island of Kauai; two on the island of Oahu, not including the Royal School; one on the island of Maui; and one on the island of Hawaii; to be located at such places as they shall deem most advantageous for promoting the object; said schools to be kept in session not less than forty weeks in the year, for five days each week, and not less than five hours each day. Provided, that the whole annual expenditure on the part of the Government, for the support of such schools, shall not exceed an average of six hundred dollars for each; and provided also, that before making any grant to such school, the other half of its support shall be subscribed by responsible persons, who will come under written obligations to the Board of Education, or to such local directors as it shall appoint, to send their children regularly to one of said schools, for at least five consecutive years, or until they shall be released from such obligation, for cause, by said Board or its agent; also to provide for their children in said schools, boarding, clothing, and the necessary books and stationery; and to place them while enjoying the advantages of such schools, under the guardianship of said Board of Education, or such local directors as it shall appoint.

SECTION 743. It shall be lawful for said Board of Education, to appoint such local directors for the aforesaid schools in their several local-



ities, as they shall deem proper; and grant to them power to employ teachers, make rules and regulations, not contravening any law of this kingdom, for the schools under their care, and also for the transaction of their own business.

SECTION 744. The Board of Education shall require the local directors of each of said schools, to report quarterly to the President of said Board of Education, the amount actually paid to them for the support of such school, by private subscription; and said President shall be authorized to draw on the Minister of Finance for the same amount, in favor of said school.

SECTION 745. In order to facilitate the design of imparting a knowledge of the English language to Hawaiian youth, the Royal School shall be under the immediate care and control of the Board of Education, and shall be supported by it, as a *normal* school, for the purpose of affording greater advantages to youth acquiring the English language, than they can have in the ordinary English schools, that they may become qualified to teach the English language, or be fitted for college; and such scholars, when received into the Royal School, shall, for the time being, be under the special guardianship and control of the Board of Education, by written agreement with their parents or guardians; and shall be required to continue in the school for a certain specified time; provided, that other scholars may be received on paying full tuition, without such obligation.

SECTION 746. The Board of Education shall be authorized to make such reasonable charge for tuition, for the advantages of the Royal School, as it shall deem proper.

SECTION 747. The said Board shall be authorized to expend annually, for the support of the Royal School, a sum not exceeding two thousand dollars, out of any school funds legally at its disposal.

SECTION 748. The Board of Education shall have the power to set apart a portion of the general school tax imposed in section 486, for the support of English schools for Hawaiian youth, whenever in its discretion it shall seem desirable.



## OF SCHOOL LANDS, SCHOOL HOUSES, AND CHURCH SITES.

SECTION 749. The President of the Board of Education, under the direction of said Board, is hereby authorized to dispose of any of the lands which have been, or hereafter may be set apart for the general purposes of education, either by sale, lease, or otherwise.

SECTION 750. All moneys, and other avails of Government lands, set apart for the general purposes of education, shall be kept as a separate fund, and the interest only of such fund, shall be appropriated as hereinafter provided, from time to time, to the printing of school books, furnishing books and stationery to poor children, to the erection of school houses, to defraying the expenses of school agents, to furnishing premiums to the most deserving teachers and scholars, to procuring agricultural implements and all necessary apparatus for schools, to aiding private and select schools, or to such other objects connected with the interests of education, as the Board of Education may deem proper.

SECTION 751. All avails of lands, sold, leased, or otherwise disposed of, as hereinbefore provided, shall be accounted for by the President of the Board of Education, in his reports to the Legislature.

SECTION 752. All sites for school-houses and houses for public worship, not owned by private parties, societies or corporations, and all lands connected therewith, which have been granted by or to the Government, for the purpose of promoting the interests of education or religion, shall be reserved as Government property, so long as they are devoted to the purposes for which they were granted, and shall be under the charge and control of the Board of Education; and in case they shall cease to be used for the purposes for which they were granted, for not less than one year, they shall revert to the original grantors, or their representatives. In all cases where lands are sold or otherwise disposed of, the sites for school-houses and houses for public worship, shall not be included in such sale or disposition.



SECTION 753. In all cases where the sites and school lands, mentioned in the last preceding section, constitute a part of the lands held in common by the Government and individuals, such sites and school lands shall be regarded as making a part of the Government portion of the land held in common, and shall be so regarded in every sale or disposition of the lands in which they are located.

SECTION 754. Where a site for a school-house is needed, and the same cannot be as well located on government land, as upon that of a private individual, the school-superintendent of the district is authorized to take a suitable lot, not exceeding one acre, as a site for such school-house, first paying to the owner the value thereof; such value, in case of disagreement, shall be determined by a jury of three men, to be chosen one by the school-superintendent, one by the owner of the land, and the third by the two already chosen by the superintendent and owner. The said jury shall have the power to locate the lot desired for the school-house, in a place different from that chosen by the school-superintendent, should they deem it more reasonable and proper: provided, however, that it shall not be lawful to appropriate for such purpose, any private burying-ground or house-lot, against the will of the owner thereof.

SECTION 755. The President of the Board of Education shall have all the school-lands, and sites for schools and churches, mentioned in this article, so far as practicable, properly surveyed, and registered in a book, to be deposited in his office, for the use of the King's Government, and open to the inspection of private individuals desiring to examine the same. The expense of such surveys shall be defrayed out of the interest arising from the avails of the school-lands.

SECTION 756. In case the funds arising from the present school-tax are not sufficient to sustain the public schools in operation, at least two hundred days in the year, and also to keep the school-houses in repair, it shall be the duty of the parents and guardians of the scholars attached to any such school, to aid in making up the deficiency, by assisting in the repair, or building of the school-houses, as shall be directed by the school-superintendent of the district; and in case any such parent or guardian shall refuse, when called upon, to render such assistance, he shall be liable, on conviction before any police or district justice, to a fine not exceeding five dollars.



## TITLE 6.—OF MISCELLANEOUS LAWS.

## CHAPTER XXXI.

## OF CORPORATIONS.

SECTION 1426. Every corporation created, or to be created in this kingdom, shall have power: 1st, to have succession by its corporate name for the period limited in its charter, and when no period is limited, perpetually; 2nd, to sue and be sued in any court; 3d, to make and use a common seal, and alter the same at its pleasure; 4th, to hold, purchase and convey, such real and personal estate, and no other, not exceeding the amount limited by its charter, as the purposes of the corporation shall require; 5th, to appoint such subordinate officers and agents as the business of the corporation shall require; 6th, to make by-laws not inconsistent with any existing law, for the management of its property, the election and removal of its officers, the regulation of its affairs, and the transfer of its stock.

SECTION 1427. In addition to the powers enumerated in the preceding section, no corporation created under the provisions of this chapter shall possess or exercise any corporate powers, except such as shall be necessary to the exercise of the powers so enumerated, and of such subordinate powers as shall be expressly given in the charter granted as hereinafter provided.

SECTION 1428. No corporation shall be deemed to possess the power of discounting bills, notes or other evidences of debt, or receiving deposits, or buying gold, silver, bullion or foreign coin, buying and selling exchange, or issuing notes or other evidences of debt, except so far as the exigencies of the particular business for which it was incorporated shall require. Nor shall any corporation, unless authorized by express enact-